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EXAMINER

CARDENAS NAVIA, JAIME F

ART UNIT

PAPER NUMBER

3624

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|---|--|--|
| Office Action Summary | Application No. 10/687,332 | Applicant(s) ATCHISON, CHARLES | |
| | Examiner Jaime Cardenas-Navia | Art Unit 3624 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/17/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Introduction

1. This **NON-FINAL** office action is in response to Applicant's submission filed on December 14, 2009. Claims 1, 2, and 4-42 are pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 14, 2009 has been entered.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on December 17, 2009 has been considered by the Examiner.

Response to Amendment

4. Applicant's amendments to the claims are **sufficient to overcome the objections to the claims** as set forth in the previous office action.

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5. Applicant's amendments to the claims are **sufficient to overcome the 35 U.S.C. § 112, second paragraph, rejections** as set forth in the previous office action.

6. Applicant's amendments to the claims are **sufficient to overcome the 35 U.S.C. § 101 rejections** set forth in the previous office action.

Response to Arguments

7. Applicant's arguments have been fully considered by the Examiner. In particular, Applicant argues that:

(A) Flam and Lofton are non-analogous art;

(B) neither Flam nor Lofton teach or suggest a centralized server operable to transmit a graphical user interface over a network to a client device;

(C) neither Flam nor Lofton teach or suggest "enabling a project member to chronicle issues that need to be undertaken within the group project including their statuses, classifications, and individual responsibilities, wherein the statuses comprises indications of a next step that needs to be taken by one or more group members or users on the group project";

(D) neither Flam nor Lofton teach or suggest wherein one or more users familiar with the project are enabled to update and view a current status of the project issue using the graphical user interface;

(E) neither Flam nor Lofton teach or suggest a graphical interface which allows for deletion of a project step by the one or more users; and

(F) all dependent claims are allowable as a result of arguments (A) – (F).

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Regarding argument (A), Examiner respectfully disagrees. Both Flam and the claimed invention pertain to GUIs for managing processes (issues). The structure and algorithms of Flam are very similar to the claimed invention, as evidenced by the mapping of Flam to the claims in the rejection below. As for Lofton, the one specific function of Lofton combined with Flam is common and relates directly to the claimed invention. Given the adaptability and scalability of software programming, the two references and their combination are certainly analogous art.

Regarding argument (B), Examiner respectfully disagrees. Fig. 8 of Flam shows an embodiment of the invention in which a centralized server (803, computer) is operable to transmit a graphical user interface (fig. 9-17) over a network (807, internet) to a client device (808, local peripheral devices). This is further elaborated on in col. 4, lines 25-47. 'Centralized' has been given the broadest reasonable interpretation.

Regarding argument (C), Examiner respectfully disagrees. Col. 5, lines 35-67 of Flam provide a clear example of wherein the status comprises indications of a next step that needs to be taken by one or more group members or users on the group project. In this case, the customer complaint specialist must act (next step) based on the information in the record. Thus, the record status information clearly provides indication of a next step that needs to be taken.

Regarding argument (D), Examiner respectfully disagrees. Though Flam is primarily concerned with and teaches a system for creating administrative queries (col. 7, lines 39-52), which automatically monitor processes and perform activities based on detected conditions, Flam also teaches wherein one or more users familiar with the project are enabled to update and view a current status of the project issue using the graphical user interface (col. 6, lines 9-49, different users have different levels of access to data (e.g. status of project issues) through the user

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interface, col. 5, lines 35-43, customer complaint specialist investigates the complaint (e.g. check status), col. 7, lines 34-37, returns all the records, col. 9, PR Table 833, status).

Regarding argument (E), Examiner respectfully disagrees. Col. 6, lines 9-49 of Flam pertain to system access control. Only designated users can add, modify, and/or delete tables and other records within the system using the GUI. Fig. 8 shows action tables, which contain project steps. As taught in col. 23, lines 5-67, action tables can be added, edited, or deleted.

Regarding argument (F), Examiner relies on the arguments above.

Official Notice

8. Applicant's traversal of Official Notice is untimely, and so will not be considered.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 1, 4-14, and 17-42 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Flam (US 7,266,764) in view of Lofton (US 2003/0154116 A1).

Regarding claim 1, Flam teaches:

An issue tracking system (col. 4, lines 19-21), comprising:

a centralized server (col. 4, lines 29-31, standard computer is acting as a server) that transmits a graphical user interface (col. 6, lines 24-26) which tracks project issues of a group

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project (col. 4, lines 19-21) over a network (col. 4, lines 29-30, Internet is a network) to a client device, the graphical user interface being displayable on the client device without installation of the graphical user interface on the client device (fig. 8, 9-17, col. 4, lines 25-47) and enabling a project member to chronicle issues that need to be undertaken within the group project including their statuses, classifications, and individual responsibilities (col. 9, PR table 833, each PR record, which corresponds to an issue, contains an indication of the originator of the record and who the record is assigned to), wherein the statuses comprises indications of a next step that needs to be taken by one or more group members or users on the group project (fig. 17, 1727 corresponds to the current step, and 1729 corresponds to the next step to be taken. This is detailed in col. 33, lines 20-40) and the classifications comprise costs or values of a specific issue according to group management or administrator (col. 9, PR table 833, each PR record, which corresponds to an issue, contains a required (estimated) time and a required (estimated) cost);

a database coupled to the centralized server (col. 4, lines 29-31) that provides the graphical user interface to the centralized server (col. 6, lines 24-26), the database assisting in tracking at least one project issue related to the group project (col. 5, lines 35-36, the complaint is a project issue, col. 9, PRs are project issues, col. 10, Projects are projects, col. 11, Divisions are topics), to provide access through the centralized server to a plurality of users responsible for resolving said at least one project issue (col. 5, lines 36-43, customer complaint specialist and customer complaint specialist's supervisor are plurality of users responsible for resolving the project issue), the topic being a subject, available for selection by a user using the graphical user interface, under which the at least one project issue is related, the project issue being tracked using the issue tracking system, wherein one or more users familiar with the group project update

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and view a current status of the project issue using the graphical user interface (col. 6, lines 9-49, different users have different levels of access to data (e.g. status of project issues) through the user interface, col. 5, lines 35-43, customer complaint specialist investigates the complaint (e.g. check status), col. 7, lines 34-37, returns all the records, col. 9, PR Table 833, status) and the graphical user interface allows for deletion of a project step by the one or more users (col. 6, lines 9-49 of Flam pertain to system access control. Only designated users can add, modify, and/or delete tables and other records within the system using the GUI. Fig. 8 shows action tables, which contain project steps. As taught in col. 23, lines 5-67, action tables can be added, edited, or deleted);

wherein the centralized server transmits a notification to a responsible user for each occurrence of the following: a new project issue has been created, a step toward resolution has been entered for at least one project issue, or said at least one project issue has been closed (fig. 12, 14, Assigned To Notification, Start Date, Closed On, col. 5, lines 43-45).

Flam does not teach to provide a storage option for a user to upload data formats.

Lofton teaches to provide a storage option for a user to upload data formats which the user determines would be inefficient to manually enter using a format associated with the graphical user interface (par. 112, lines 1-15, link data are attachments, which are uploaded and in a different data format than the format associated with the graphical user interface).

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Lofton does not teach away from or contradict Flam, but rather, teaches a function that was not addressed. Additionally, the combination would have yielded predictable results to

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one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the teaching that Flam's invention already contains a storage option, the database.

Regarding claim 4, Flam teaches wherein the centralized server is further operable to notify a responsible user via electronic mail (col. 5, lines 43-45).

Regarding claim 5, Flam teaches wherein the database has a table devoted to keeping track of at least one topic corresponding to said at least one project issue being tracked (col. 9, PRs are project issues, col. 10, Projects are projects, col. 11, Divisions are topics).

Regarding claim 6, Flam teaches wherein the database has a table devoted to keeping track of said at least one project issue associated with said at least one topic (col. 5, lines 18-25, col. 9, PR Table 833 is a table devoted to keeping track of an issue (record is an issue) associated with a topic (note the project_id)).

Regarding claim 7, Flam teaches wherein each of said at least one project issue comprises a description of the respective issue (col. 9, PR Table 833, all attributes are the description, particularly the name data field), a status associated with the respective issue (col. 9, PR Table 833, lines 50-52), and a sponsor associated with the respective issue (col. 9, PR Table 833, lines 56-58).

Regarding claim 8, Flam teaches wherein each of said at least one project issue comprises a priority rating associated with the respective issue (col. 9, PR Table 833, col. 10, lines 13-15).

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Regarding claim 9, Flam teaches wherein the database has a table devoted to keeping track of at least one step associated with said at least one project issue (col. 5, lines 18-25, col. 12, PR_activity Table 839, activities are steps).

Regarding claim 10, Flam teaches wherein each of said at least one step associated with said at least one project issue comprises a description of a step related to the resolution of the respective issue (col. 12, PR_activity Table 839, col. 12, lines 49-50).

Regarding claim 11, Flam teaches wherein the database also maintains a list of persons responsible for a respective topic (col. 9, lines 56-60, col. 35, Project_member Table).

Regarding claim 12, Flam teaches a network operable to transmit information stored in the database to a plurality of users (col. 4, lines 29-31).

Regarding claim 13, Flam teaches a personal computer coupled to the network and having a browser operable to view the information received from the database via the network (col. 4, lines 29-31).

Regarding claim 14, Flam teaches wherein the database is further operable to store project issues that have been closed by a responsible user using the graphical user interface, and transmit information about a closed project issue upon receiving a request for the information (col. 9, PR Table 833, lines 52-53, 63-64, col. 7, lines 34-37).

Regarding claim 17, Flam teaches:

A method of tracking project issues (col. 4, lines 19-21), comprising the steps of:

storing a group project in a standardized format on a centralized database (col. 4, lines 25-29, col. 10, Project Table 831);

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transmitting a graphical user interface which tracks project issues over a network (col. 4, lines 19-21, 29-31, col. 6, lines 24-26) to a client device, the graphical user interface being displayable on the client device without installation of the graphical user interface on the client device (fig. 8, 9-17, col. 4, lines 25-47), the graphical user interface chronicling issues that need to be undertaken within the group project including their statuses, classifications, and individual responsibilities (col. 9, PR table 833, each PR record, which corresponds to an issue, contains an indication of the originator of the record and who the record is assigned to), wherein the statuses comprise indications of a next step that needs to be taken by one or more group members or users on the group project (fig. 17, 1727 corresponds to the current step, and 1729 corresponds to the next step to be taken. This is detailed in col. 33, lines 20-40) and the classifications comprise costs or values of a specific issue according to group management or administrator (col. 9, PR table 833, each PR record, which corresponds to an issue, contains a required (estimated) time and a required (estimated) cost);

adding an issue associated with the group project to the centralized database (col. 7, lines 24-26, records are issues, col. 9, PR Table 833) using the graphical user interface, wherein one or more users familiar with the group project update and view a current status of the issue using the graphical user interface (col. 6, lines 9-49, different users have different levels of access to data (e.g. status of project issues) through the user interface, col. 5, lines 35-43, customer complaint specialist investigates the complaint (e.g. check status), col. 7, lines 34-37, returns all the records, col. 9, PR Table 833, status);

directing addition of at least one step taken to resolve the issue to the centralized database (col. 5, lines 18-25, col. 12, PR_activity Table 839, activities are steps); and

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transmitting a notification to a responsible user associated with the group project for each occurrence of the following: a new issue has been created for the group project, a step toward resolution has been entered for the issue, or the issue has been closed (fig. 12, 14, Assigned To Notification, Start Date, Closed On, col. 5, lines 43-45).

Flam does not teach to providing an option to a user to upload a data file using the graphical user interface.

Lofton teaches providing an option to a user to upload a data file using the graphical user interface (par. 112, lines 1-15, link data are attachments, which are uploaded and in a different data format than the format associated with the graphical user interface).

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Lofton does not teach away from or contradict Flam, but rather, teaches a function that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the teaching that Flam's invention already contains a storage option, the database.

Regarding claim 18, Flam teaches closing the issue upon resolution (col. 9, lines 53-54).

Regarding claim 19, Flam teaches wherein the issue is closed by a system administrator associated with the database using the graphical user interface (col. 6, lines 16-23).

Regarding claim 20, Flam teaches adding an issue description to the centralized database using the graphical user interface (col. 9, PR Table 833, all attributes are the description, particularly the name data field).

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Regarding claim 21, Flam teaches wherein the issue description includes a status (col. 9, PR Table 833, lines 50-52), a priority rating (col. 9, PR Table 833, col. 10, lines 13-15), and a sponsor (col. 9, PR Table 833, lines 56-58).

Regarding claim 22, Flam teaches adding a step description to the centralized database using the graphical user interface (col. 5, lines 18-25, col. 12, PR_activity Table 839, activities are steps, col. 12, PR_activity Table 839, col. 12, lines 49-50).

Regarding claim 23, Flam teaches:
receiving a request from a user for the issue and said at least one step; and
providing the issue and said at least one step to the user (col. 7, lines 34-37, PR_activity Table 839 works the same way, by querying the pr_id).

Regarding claim 24, Flam teaches wherein the issue and said at least one step are provided using hypertext transfer protocol via the network (col. 4, lines 34-40).

Regarding claim 25, Flam teaches:
receiving a request from the user for all issues associated with the group project; and
providing said all issues associated with the group project to the user via the graphical user interface (col. 7, lines 34-37).

Regarding claim 26, Flam teaches wherein all said issues associated with said group project are provided in a user sortable format (col. 7, lines 34-37) based on an issue number associated with each issue (col. 9, PR Table 833, lines 41-43), a status associated with each issue (col. 9, PR Table 833, lines 50-52), a priority rating associated with each issue (col. 9, PR Table 833, col. 10, lines 13-15), a classification associated with each issue (col. 9, PR Table 833, col.

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10, lines 6-9, category type is a classification, lines 15-17, severity type is a classification), and a sponsor associated with each issue (col. 9, PR Table 833, lines 56-58).

Regarding claim 27, Flam teaches:

receiving a request from a user to add a step to the issue (col. 12, PR_activity Table 839, lines 52-53, col. 6, lines 26-33);

adding the step to the centralized database (col. 5, lines 18-25, col. 12, PR_activity Table 839, activities are steps); and

linking the step to the issue in the centralized database (col. 12, PR_activity Table 839, note the pr_id).

Regarding claim 28, Flam teaches storing a list comprising a plurality of responsible users for the group project (col. 9, lines 56-60, col. 35, Project_member Table).

Regarding claim 29, Flam teaches notifying the plurality of responsible users when the issue has been updated or closed (col. 9, PR Table 833, date_updated, lines 52-53, 60-65, col. 7, lines 34-37, col. 5, lines 35-56 provides an example in which an email notifies a supervisor when the issue is updated).

Regarding claims 30-42, they are rejected using the same art and rationale used above for rejecting claims 17-29. This is because claims 30-42 claim a computer readable memory performing the method of claims 17-29.

11. **Claims 2, 15, and 16 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Flam (US 7,266,764) in view of Lofton (US 2003/0154116 A1), as applied above to claim 1, further in view of Official Notice.

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Regarding claim 2, official notice is given that wherein the server is operable to communicate using a hypertext markup language with the client device was a matter of common knowledge to one skilled in the art at the time of applicant's invention. HTML and its application to servers has been in the public domain since the early 90's.

It would have been obvious to combine the use of HTML with Flam's invention motivated by the fact that Flam's invention teaches using the Internet as the network and that the internet is primarily composed of HTML documents.

Regarding claim 15, Flam does not teach wherein the storage option uploads a legacy spreadsheet file.

Lofton teaches wherein the storage option is used for uploading a file (par. 112, lines 1-15).

Lofton does not explicitly teach uploading a legacy spreadsheet file.

Official Notice is given that both uploading files and legacy spreadsheet files are old and well-known.

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Lofton does not teach away from or contradict Flam, but rather, teaches a function that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention, as Lofton teaches uploading files, and legacy spreadsheets are a type of file that would be uploaded in a well-known method. Thus, it would have been obvious to combine the teachings, motivated by the teaching that Flam's invention already contains a storage option, the database.

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Regarding claim 16, Flam does not teach wherein the storage option uploads a legacy database file.

Lofton teaches wherein the storage option is used for uploading a file (par. 112, lines 1-15).

Lofton does not explicitly teach uploading a legacy database file.

Official Notice is given that both uploading files and legacy database files are old and well-known.

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Lofton does not teach away from or contradict Flam, but rather, teaches a function that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention, as Lofton teaches uploading files, and legacy database files are a type of file that would be uploaded in a well-known method. Thus, it would have been obvious to combine the teachings, motivated by the teaching that Flam's invention already contains a storage option, the database.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Levy (US 2004/0002885 A1) teaches a project resource management application including assigning issues to a project manager, monitoring the status of the issue, and resolving the issue.

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Vashistha et al. (US 2001/0051913 A1) teaches a system and method for managing projects, including identifying, tracking, and resolving issues.

Szabo et al. (US 7,120,589 B1) teaches a system and method for managing an issue database.

LaBlanc et al. (US 6,675,127 B2) teaches an issue management system and method which includes GUIs for creating, editing, and deleting issues, risks, and processes for project completion.

Hurd (US 6,222,535 B1) teaches a system and method for issue tracking, including GUIs for assigning and resolving issues. Includes various issues statuses and communications with customer.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaime Cardenas-Navia whose telephone number is (571)270-1525. The examiner can normally be reached on Mon-Fri, 10:30AM - 7:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. C./

Examiner, Art Unit 3624

March 24, 2010

/Romain Jeanty/

Primary Examiner, Art Unit 3624